UNITED STATES PATENT AND TRADEMARK OFFICE

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10/532,052	04/21/2005	Lars Isberg	0104-0517PUS1	4279

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
ALVESTEFFER, JASON L

ART UNIT	PAPER NUMBER
2167	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/532,052	ISBERG ET AL.
	Examiner	Art Unit	
	Jason L. Alvesteffer	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *04212005*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20071203

DETAILED ACTION

1.   Claims 1 – 30 are pending in this office action.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 – 3, 5 – 12, 15, 16, 18 – 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2002/0090132 issued to Wayne C. Boncyk et al. *(hereafter "Boncyk")* in view of US Patent Number 7,130,454 issued to Denis K. Berube et al. *(hereafter "Berube")*.

Regarding **claim 1**, Boncyk teaches:

recording data of a real object using a communication device *(see fig. 2 and paragraph [0022]; e.g. device 14, which can be a "mobile telephone," records real object 16; "the device 14 captures a digital image 18 of the scene at which it is pointed")*,

transferring said recorded data to a service server *(see fig. 2, service server 20 and paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14, then user acquired images are transmitted from the device 14 to the Image Processor/Server 20 using a conventional digital network or wireless network means")*,

extracting a comparison object from said recorded data *(paragraphs [0024] – [0025]; e.g. extracted symbols or image decomposition parameters from said recorded data are comparison objects)*,

making a resemblance analysis between the comparison object and a previously stored object *(see fig. 1, database matching 36 and paragraph [0026]; e.g. "the Best Match 38 from either the Decode Symbol 28, or the image Database Matching 36, or both, is then determined")*, and

transferring result data containing information about the resemblance analysis to a result unit *(see fig. 1, URL Return 42 and paragraph [0026]; e.g. "if a specific URL (or other online address) is associated with the image, then an URL Lookup 40 is performed and the Internet address is returned by the URL Return 42")*.

Boncyk does not explicitly mention that the real object <u>is a face</u> as claimed.

Berube teaches the claimed the real object is a face *(col. 2, lines 22 – 33; e.g. capturing a "facial signature" from a mobile/hand-held device such as a mobile telephone)*.

Boncyk and Berube are analogous art because both references teach image object recognition/querying using a mobile device.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method as taught by Boncyk with the method as taught by Berube in order to provide an effective real-time identification and verification system having high security *(see Berube, col. 2, lines 9 – 15)*.

Regarding **claim 2**, Boncyk teaches that the step of transferring said recorded data to a service server at least partly occurs wirelessly *(paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14, then user acquired images are transmitted from the device 14 to the Image Processor/Server 20 using a conventional digital network or wireless network means")*.

Regarding **claim 3**, Boncyk teaches that the step of transferring said recorded data to a service server comprises the steps of packaging said recorded data as a message, transferring the message to a service server, and unpackaging the message in the service server *(see fig. 2 and paragraph [0023]; e.g. transferring the data via a "conventional wireless network means" as known in the art includes packaging, transferring and unpacking steps of the message according to the network transmission protocol used; for example, segmenting and packaging a data file into packets, transmitting the packets over the network, and unpackaging and reforming the packets*

into the original file at the receiving end; conventional wireless networking means

includes TCP/IP, WAP, SMS, i-Mode, etc.).

Regarding **claim 5**, Boncyk teaches that the result unit consists of the

communication device *(paragraph [0010]; e.g. "the network address of information*

corresponding to that object is transmitted from the ("Server") back to the mobile device,

allowing the mobile device to access information using the network address so that only

a portion of the information concerning the object need be stored in the systems

database").

Regarding **claim 6**, Boncyk teaches that said result data contains an address link

(see fig. 1, step 42; e.g. "URL Return").

Regarding **claim 7**, Boncyk teaches that said recorded data is a digital image

(paragraph [0006]; e.g. "once an image is captured digitally, a search of the image

determines whether symbolic content is included in the image").

Regarding **claim 8**, Boncyk teaches that the service server comprises a number

of stored objects *(paragraph [0001]; e.g. identifying "an object from a plurality of objects*

in a database") and the resemblance analysis comprises the step of identifying the

stored object which the comparison object resembles most *(see fig. 1, "select best*

match" step 38 and paragraph [0026]).

Regarding **claim 9**, Boncyk and Berube teach that said result data contains the

identified object which the comparison object resembles most *(Boncyk, paragraph*

[0026]; e.g. returning the "best match" result) and a measure of the degree of

resemblance *(see Berube, fig. 14, "grant access" K and "deny access" F, col. 2, lines 50*

– 52, col. 29, lines 52 – 67 and col. 30, lines 1 and 2; e.g. granting access signifies a measure of the degree of resemblance being above the matching thresholds whereas denying access signifies a measure of the degree of resemblance being below the matching thresholds).

Regarding **claim 10**, Boncyk teaches that said result data further contains additional information about the stored object which the comparison object resembles most *(paragraph [0020]; e.g. "the present invention includes a novel process whereby information such as Internet content is presented to a user, based solely on a remotely acquired image of a physical object").*

Regarding **claim 11**, Boncyk teaches the step of storing the comparison object in the service server *(paragraph [0115]; e.g. "identification methods and processes for objects from digitally captured images thereof that uses image characteristics to identify an object from a plurality of objects in a database apparatus").*

Regarding **claim 12**, Boncyk teaches that the communication device is a mobile phone *(paragraph [0022]; e.g. for image capture 10, the User 12... utilizes a computer, <u>mobile telephone</u>, personal digital assistant, or other similar device 14 equipped with an image sensor).*

Regarding **claim 15**, Boncyk teaches:

receiving recorded data of a real object *(see fig. 2 and paragraph [0022]; e.g. device 14, which can be a "mobile telephone," records real object 16; "the device 14 captures a digital image 18 of the scene at which it is pointed"),*

extracting a comparison object from said data *(paragraphs [0024] – [0025]; e.g. extracted symbols or image decomposition parameters from said recorded data are comparison objects),*

making a resemblance analysis between the comparison object and a previously stored object *(see fig. 1, database matching 36 and paragraph [0026]; e.g. "the Best Match 38 from either the Decode Symbol 28, or the image Database Matching 36, or both, is then determined"),* and

transmitting result data containing information about the resemblance analysis *(see fig. 1, URL Return 42 and paragraph [0026]; e.g. "if a specific URL (or other online address) is associated with the image, then an URL Lookup 40 is performed and the Internet address is returned by the URL Return 42").*

Boncyk does not explicitly mention that the real object is a face as claimed.

Berube teaches the claimed the real object is a face *(col. 2, lines 22 – 33; e.g. capturing a "facial signature" from a mobile/hand-held device such as a mobile telephone).*

Boncyk and Berube are analogous art because both references teach image object recognition/querying using a mobile device.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method as taught by Boncyk with the method as taught by Berube in order to provide an effective real-time identification and verification system having high security *(see Berube, col. 2, lines 9 – 15).*

Regarding **claim 16**, Boncyk teaches that said received data is an MMS message *(Boncyk teaches transferring the data via a "conventional wireless network means," see paragraph [0023]; MMS is a conventional wireless network means).*

Regarding **claim 18**, Boncyk and Berube teach the step of identifying the stored object which the comparison object resembles most *(Boncyk, paragraph [0026]; e.g. returning the "best match" result)*, said result data containing the identified object which the comparison object resembles most *(paragraph [0020]; e.g. "the present invention includes a novel process whereby information such as Internet content is presented to a user, based solely on a remotely acquired image of a physical object")* and a measure of the degree of resemblance *(see Berube, fig. 14, "grant access" K and "deny access" F, col. 2, lines 50 – 52, col. 29, lines 52 – 67 and col. 30, lines 1 and 2; e.g. granting access signifies a measure of the degree of resemblance being above the matching thresholds whereas denying access signifies a measure of the degree of resemblance being below the matching thresholds).*

Regarding **claim 19**, Boncyk teaches the step of storing the comparison object in the service server *(paragraph [0115]; e.g. "identification methods and processes for objects from digitally captured images thereof that uses image characteristics to identify an object from a plurality of objects in a database apparatus").*

Regarding **claim 20**, Boncyk teaches a server for estimating the resemblance of various objects *(see fig. 2, server 20)*, comprising a receiver which is adapted to receive recorded data of a real object *(see fig. 2, server 20 and paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14, then user acquired images are*

transmitted from the device 14 to the Image Processor/Server 20 using a conventional digital network or wireless network means"), an object database which is adapted to store an object *(paragraph [0115]; e.g. "identification methods and processes for objects from digitally captured images thereof that uses image characteristics to identify an object from a plurality of objects in a database apparatus")*, a service handler *(image processor/server 20 comprises a service handler)* which adapted to extract a comparison object *(paragraphs [0024] – [0025]; e.g. extracted symbols or image decomposition parameters from said recorded data are comparison objects)*, an object recognizer which is adapted to make a resemblance analysis between the comparison object and the stored object *(see fig. 1, database matching 36 and paragraph [0026]; e.g. "the Best Match 38 from either the Decode Symbol 28, or the image Database Matching 36, or both, is then determined;" the best match 38 means describes an object recognizer)*, and a transmitter which is adapted to transmit result data containing information about the resemblance analysis *(see fig. 1, URL Return 42 and paragraph [0026]; e.g. "if a specific URL (or other online address) is associated with the image, then an URL Lookup 40 is performed and the Internet address is returned by the URL Return 42;" the "wireless network means" includes a transmitter, see paragraph [0023])*.

Boncyk does not explicitly mention that the real object <u>is a face</u> as claimed.

Berube teaches the claimed the real object <u>is a face</u> *(col. 2, lines 22 – 33; e.g. capturing a "facial signature" from a mobile/hand-held device such as a mobile telephone)*.

Boncyk and Berube are analogous art because both references teach image object recognition/querying using a mobile device.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method as taught by Boncyk with the method as taught by Berube in order to provide an effective real-time identification and verification system having high security *(see Berube, col. 2, lines 9 – 15)*.

Regarding **claim 21**, Boncyk teaches a factual database which is adapted to store information about the stored object *(paragraph [0010]; e.g. "only a portion of the information concerning the object need be stored in the systems database;" see also paragraph [0114]; e.g. the database can be indexed in the various ways cited; an index is metadata or information about stored objects in the database)*.

Regarding **claim 22**, Boncyk teaches a WAP server *(Boncyk teaches a server 20 transferring the data via a "conventional wireless network means," see paragraph [0023]; WAP is a conventional wireless network means)*.

Regarding **claim 23**, Boncyk teaches an SMS transmitter *(Boncyk teaches a server 20 transferring the data via a "conventional wireless network means," see paragraph [0023]; SMS is a conventional wireless network means)*.

Regarding **claim 24**, Boncyk teaches an i-mode server *(Boncyk teaches a server 20 transferring the data via a "conventional wireless network means," see paragraph [0023]; i-Mode is a conventional wireless network means)*.

Regarding **claim 25**, Boncyk teaches that the receiver is an MMS receiver *(Boncyk teaches a server 20 transferring the data via a "conventional wireless network means," see paragraph [0023]; MMS is a conventional wireless network means)*.

Regarding **claim 26**, Boncyk and Berube identifying the stored object which the comparison object resembles most *(Boncyk, paragraph [0026]; e.g. returning the "best match" result)*, said result data containing the identified object which the comparison object resembles most *(paragraph [0020]; e.g. "the present invention includes a novel process whereby information such as Internet content is presented to a user, based solely on a remotely acquired image of a physical object")* and a measure of the degree of resemblance *(see Berube, fig. 14, "grant access" K and "deny access" F, col. 2, lines 50 – 52, col. 29, lines 52 – 67 and col. 30, lines 1 and 2; e.g. granting access signifies a measure of the degree of resemblance being above the matching thresholds whereas denying access signifies a measure of the degree of resemblance being below the matching thresholds)*.

Regarding **claim 27**, Boncyk teaches a server adapted to store the comparison object *(paragraph [0115]; e.g. "identification methods and processes for objects from digitally captured images thereof that uses image characteristics to identify an object from a plurality of objects in a database apparatus")*.

Regarding **claim 29**, Boncyk teaches a system for estimating the resemblance of various objects *(see fig. 1, database matching 36 and paragraph [0026]; e.g. "the Best Match 38 from either the Decode Symbol 28, or the image Database Matching 36, or both, is then determined")*, comprising a communication device which is adapted to

record data of a real object and transfer said recorded data to a server which is arranged as claimed in claim 20 , via a network which at least partly is wireless *(see fig. 2, server 20 and paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14, then user acquired images are transmitted from the device 14 to the Image Processor/Server 20 using a conventional digital network or wireless network means;" see also the rejection to claim 20 for further details).*

Claims 4, 13, 14, 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boncyk and Berube as applied to claim 1 above, and further in view of US Patent Number 7,209,950 issued to Simon Bennett et al. (hereafter "Bennett").

Regarding **claim 4**, Boncyk teaches a transferring step from the communication device to the service server *(see fig. 2, service server 20 and paragraph [0023]).*

Boncyk and Berube do not explicitly mention the steps of transferring the identity of the communication device to the service server and storing the identity in the service server as claimed.

Bennett teaches the claimed transferring the identity of the communication device to the service server *(see fig. 3A, steps 128 and 130 and col. 14, lines 7 – 15; e.g. "the originator's or sender's phone number (MIN)" is transferred to the database/service server)* and storing the identity in the service server *(col. 14, lines 34 – 42; the identity of the communication device, e.g. phone number, is registered in the database/server; thus, the device identity is stored during registration).*

Boncyk, Berube and Bennett are analogous art because all references teach wireless communication methods for mobile devices.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method as taught by Boncyk and Berube with the method as taught by Bennett in order to allow messaging between "different telecommunications systems" *(Bennett, col. 1, lines 51 – 59).*

Regarding **claim 13**, Bennett teaches that the message is an MMS (Multimedia Message Service) message *(Bennett teaches communications with short messages service (SMS) messages; MMS messages is an obvious derivative of SMS; further, Boncyk teaches transferring the data via a "conventional wireless network means," see paragraph [0023]; MMS is a conventional wireless network means).*

Regarding **claim 14**, Boncyk teaches the steps of sending, in response to transferred data *(see fig. 2, service server 20 and paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14, then user acquired images are transmitted from the device 14 to the Image Processor/Server 20 using a conventional digital network or wireless network means"),* data to the communication device *(see fig. 1, URL Return 42 and paragraph [0026]; e.g. "if a specific URL (or other online address) is associated with the image, then an URL Lookup 40 is performed and the Internet address is returned by the URL Return 42"),*

recording data using the communication device *(see fig. 2 and paragraph [0022]; e.g. device 14, which can be a "mobile telephone," records real object 16 data; "the device 14 captures a digital image 18 of the scene at which it is pointed"),*

transferring said recorded data to the service server *(see fig. 2, service server 20
and paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14,
then user acquired images are transmitted from the device 14 to the Image
Processor/Server 20 using a conventional digital network or wireless network means"),*
the step of making the resemblance analysis comprising the step of using said data in
the resemblance analysis *(see fig. 1, database matching 36 and paragraph [0026]; e.g.
"the Best Match 38 from either the Decode Symbol 28, or the image Database Matching
36, or both, is then determined").*

Boncyk and Berube do not explicitly mention data that is <u>form data</u> as claimed.

Bennett teaches the claimed data that is <u>form data</u> *(col. 10, lines 54 – 67 and col.
11, lines 1 - 5; e.g. "as part of the message-sending process, Field 81 outlines those
portions of information which may be entered, for example, interactively through a user
interface or form display with a web page").*

Boncyk, Berube and Bennett are analogous art because all references teach
wireless communication methods for mobile devices.

It would have been obvious to a person of ordinary skill in the art at the time the
invention was made to modify the method as taught by Boncyk and Berube with the
method as taught by Bennett in order to allow messaging between "different
telecommunications systems" *(Bennett, col. 1, lines 51 – 59).*

Regarding **claim 17**, Boncyk teaches the steps of sending data *(see fig. 1, URL
Return 42 and paragraph [0026]; e.g. "if a specific URL (or other online address) is
associated with the image, then an URL Lookup 40 is performed and the Internet*

address is returned by the URL Return 42") in response to received data *(see fig. 2, service server 20 and paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14, then user acquired images are transmitted from the device 14 to the Image Processor/Server 20 using a conventional digital network or wireless network means"),* and

receiving data *(see fig. 2, service server 20 and paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14, then user acquired images are transmitted from the device 14 to the Image Processor/Server 20 using a conventional digital network or wireless network means"),* the step of making the resemblance analysis comprising the step of using said form data in the resemblance analysis *(see fig. 1, database matching 36 and paragraph [0026]; e.g. "the Best Match 38 from either the Decode Symbol 28, or the image Database Matching 36, or both, is then determined").*

Boncyk and Berube do not explicitly mention data that is <u>form data</u> as claimed.

Bennett teaches the claimed data that is <u>form data</u> *(col. 10, lines 54 – 67 and col. 11, lines 1 - 5; e.g. "as part of the message-sending process, Field 81 outlines those portions of information which may be entered, for example, interactively through a user interface or form display with a web page").*

Boncyk, Berube and Bennett are analogous art because all references teach wireless communication methods for mobile devices.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method as taught by Boncyk and Berube with the method as taught by Bennett in order to allow messaging between "different telecommunications systems" *(Bennett, col. 1, lines 51 – 59)*.

Regarding **claim 28**, Boncyk teaches sending, in response to said received data *(see fig. 2, service server 20 and paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14, then user acquired images are transmitted from the device 14 to the Image Processor/Server 20 using a conventional digital network or wireless network means")*, data *(see fig. 1, URL Return 42 and paragraph [0026]; e.g. "if a specific URL (or other online address) is associated with the image, then an URL Lookup 40 is performed and the Internet address is returned by the URL Return 42")*, and adapted to receive data *(see fig. 2, service server 20 and paragraph [0023]; e.g. "if the server 20 is physically separate from the device 14, then user acquired images are transmitted from the device 14 to the Image Processor/Server 20 using a conventional digital network or wireless network means")*, the server being adapted to use said data in the resemblance analysis *(see fig. 1, database matching 36 and paragraph [0026]; e.g. "the Best Match 38 from either the Decode Symbol 28, or the image Database Matching 36, or both, is then determined")*.

Boncyk and Berube do not explicitly mention data that is <u>form data</u> as claimed.

Bennett teaches the claimed data that is <u>form data</u> *(col. 10, lines 54 – 67 and col. 11, lines 1 - 5; e.g. "as part of the message-sending process, Field 81 outlines those portions of information which may be entered, for example, interactively through a user interface or form display with a web page").*

Boncyk, Berube and Bennett are analogous art because all references teach wireless communication methods for mobile devices.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method as taught by Boncyk and Berube with the method as taught by Bennett in order to allow messaging between "different telecommunications systems" *(Bennett, col. 1, lines 51 – 59).*

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boncyk and Berube as applied to claim 1 above, and further in view of US Patent Number 6,400,652 issued to Randy G. Goldberg et al. *(hereafter "Goldberg").*

Regarding **claim 30**, Boncyk and Berube teach resemblance analysis between a previously stored object and a large number of comparison objects which are extracted from received recorded data *(see Boncyk, fig. 1, database matching 36 and paragraph [0026]; e.g. "the Best Match 38 from either the Decode Symbol 28, or the image Database Matching 36, or both, is then determined;" see also the rejection to claim 1 above).*

Boncyk and Berube do not explicitly mention use of the method as claimed in claim 1 in a TV programme as claimed.

Goldberg teaches the claimed use of the method as claimed in claim 1 in a TV programme *(col. 7, lines 30 – 54; e.g. facial pattern matching in recorded TV show images)*.

Boncyk, Berube and Goldberg are analogous art because all references teach image analysis.
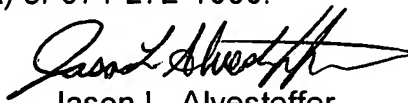
It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method as taught by Boncyk and Berube with the method as taught by Goldberg in order allow resemblance analysis from video capturing communication devices, thus broadening the utility to include important applications such as facial resemblance analysis in surveillance videos.

Contact Information

3.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Alvesteffer whose telephone number is 571-270-1281. The examiner can normally be reached on Mon-Fri 9:30 AM - 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason L. Alvesteffer
Examiner
Art Unit 2167

JLA
December 4, 2007

JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100